

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

**LC America, Inc.**

*Plaintiff*

**v.**

**3:13-cv-00625-RJC-DCK**

**Nirvana Specialty Foods, Inc.**

*Defendant*

**Defendant's Motion to Dismiss For Lack of Personal Jurisdiction  
And For Failure to State a Claim**

Defendant Nirvana Specialty Foods, Inc. moves to dismiss LC America, Inc. ("LCA")'s Complaint in this lawsuit because (1) this Court lacks personal jurisdiction over Nirvana, and (2) LCA has failed to state a claim upon which relief can be granted. Neither Nirvana nor this dispute has any connection to North Carolina. And LCA has no right to bring the causes of action it has asserted. Attached hereto are:

- Exhibit 1: Nirvana's Memorandum in Support of its Motion to Dismiss.
- Exhibit 2: LCA's current Complaint.
- Exhibit 3: Affidavit of Nirvana's principal, Darya Rafizadeh.

Thursday, January 16, 2014

Respectfully submitted,  
QUIST, CONE & FISHER, PLLC

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### **Certificate of Service**

I hereby certify that on Thursday, January 16, 2014 this document was filed electronically through the Court's electronic filing system. This same day this system has provided access to an electronic copy of this document to the following counsel of record through the following e-mail addresses:

- J. Jerome Miller  
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By: /s/ Michael A. Durr  
Michael A. Durr